

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

*In Re: New York City Policing During
Summer 2020 Demonstrations*

This Order Relates to All Cases

No. 20 Civ. 8924

PROPOSED ORDER

WHEREAS, the Court held a conference on July 11, 2022¹ regarding the procedures to be followed for high-level depositions in these Consolidated Actions, it is hereby ORDERED as follows:

A. Defendants' Pre-Deposition Productions

1. As soon as practicable after a deposition from the list of high-level deponents is calendared, Defendants shall provide to Plaintiffs and Union-Intervenors a list of all protests from the Amended Schedule A (attached as Exhibit 1 to this Order)² (i) at which the deponent was present, (ii) that the deponent participated in planning, and/or (iii) that the deponent participated in an evaluation of the NYPD's response.

2. No later than August 1, 2022, Defendants shall produce to Plaintiffs and Union-Intervenors the disciplinary (IAB and CCRB) histories concerning all charges relating to use of force, dishonesty, or unlawful arrest occurring on or after May 28, 2010 (10 years prior to the protests of 2020) for each high-level deponent noticed by Plaintiffs. This deadline can be modified by agreement between the Parties.

¹ The Union Intervenors did not appear at or participate in the Conference. Nevertheless, the parties include them in this proposed order in the interests of efficiency.

² At the Conference on July 11, 2022, the Court declined to make a definitive ruling with respect to the application of Amended Schedule A to this litigation, except as to the deposition protocol. (Transcript at 25:5-8).

3. No later than one week prior to the depositions, Defendants shall provide to Plaintiffs and Union-Intervenors:

- a. the deponent's full calendar from May 25-July 25, 2020 in addition to all calendar entries related to any protest listed on Amended Schedule A, and
- b. each text message sent or received on the deponent's NYPD cell phone concerning any protest listed on Amended Schedule A.

B. Plaintiffs' Pre-Deposition Exchange

One week prior to the deposition, Plaintiffs may provide Defendants with a list of topics and case law they plan to cover in the deposition and certain exhibits they may use, without prejudice to amendment or supplementation at the time of deposition, and that time used during a deposition for review of case law, documents and other exhibits not produced prior to the deposition is not chargeable to the defendants.

Dated: July __, 2022
New York, NY

Hon. Gabriel W. Gorenstein

Exhibit 1

Amended Schedule A: List of Protest Locations¹

<u>Protest No.</u>	<u>Date</u>	<u>Approximate Location</u>	<u>Complaint Allegations</u>
1	May 28, 2020	Lafayette Street to City Hall, Manhattan	<i>People</i> , ¶ 51 <i>Sow</i> , ¶ 65
2	May 28, 2020	Union Square, Manhattan	<i>People</i> , ¶¶ 128-132 <i>Payne</i> , ¶ 44 <i>Sow</i> , ¶ 65
3	May 29, 2020	Foley Square Manhattan to Near Barclays Center, Brooklyn via Brooklyn Bridge	<i>People</i> , ¶¶ 52, 193-195, 196-202 <i>Payne</i> , ¶ 45 <i>Sow</i> , ¶ 65 <i>Wood</i> , ¶¶ 45-47 <i>Rolon</i> , ¶ 105
4	May 29, 2020	Clinton Hill, Brooklyn	<i>People</i> , ¶¶ 52, 133-140, 223-226
5	May 29, 2020	Fort Greene, Brooklyn	<i>People</i> , ¶ 52
6	May 29, 2020	Bedford-Stuyvesant, Brooklyn (Herbert von King Park), Brooklyn	<i>People</i> , ¶¶ 141-149, 161-163
7	May 29, 2020	Pacific Street and Flatbush Avenue, Brooklyn	<i>People</i> , ¶¶ 215-219 <i>Wood</i> , ¶¶ 48-50 <i>Gray</i> ¶¶ 96-101
8	May 29, 2020	Union Square, Manhattan	<i>People</i> , ¶ 52
9	May 29, 2020	Herald Square, Manhattan	<i>People</i> , ¶ 52
10	May 30, 2020	Jackson Heights, Queens	<i>People</i> , ¶ 53
11	May 30, 2020	Park Slope, Brooklyn	<i>People</i> , ¶ 53
12	May 30, 2020	East Flatbush, Brooklyn	<i>People</i> , ¶¶ 53, 312-317 <i>Sow</i> , ¶ 67
13	May 30, 2020	Near Bedford & Tilden Aves., Brooklyn	<i>People</i> , ¶¶ 178-192, 235-236
14	May 30-31, 2020	Barclays Center to Flatbush Extension, Brooklyn	<i>People</i> , ¶¶ 203-207, 107-114 <i>Payne</i> , ¶¶ 47-48, 107-115
15	May 30, 2020	Harlem / West Side Highway, Manhattan	<i>People</i> , ¶¶ 402-407
16	May 30, 2020	Union Square to FDR Drive/Lower East Side, Manhattan	<i>Payne</i> , ¶¶ 50, 117-123 <i>Sow</i> , ¶¶ 130-151

¹ The allegations listed in this table reference those in the Amended Complaints in *People*, No. 21 Civ. 322 (ECF No. 51), *Payne*, No. 20 Civ. 8224 (ECF No. 54), *Sierra*, No. 20 Civ. 10291 (ECF No. 38), *Sow*, 21 Civ. 533 (ECF No. 49) *Wood*, 20 Civ. 10541 (ECF No. 48), *Gray*, 20 Civ. 8924 (ECF No. 31) and the Complaints *Hernandez*, No. 21 Civ. 7406 (ECF No. 1) and *Rolon*, No. 21 Civ. 2548 (ECF No. 1). The allegations related to *Yates*, which is no longer active, have been deleted.

<u>Protest No.</u>	<u>Date</u>	<u>Approximate Location</u>	<u>Complaint Allegations</u>
			<i>Gray</i> , ¶¶ 58-65
17	May 30, 2020	City Hall to Brooklyn Bridge, Manhattan	<i>Sow</i> , ¶¶ 152-177
18	May 31, 2020	Near Barclays Center, Brooklyn	<i>People</i> , ¶ 54 <i>Sow</i> , ¶ 68
19	May 31, 2020	Downtown Brooklyn to multiple bridges	<i>People</i> , ¶ 54
20	May 31, 2020	Brooklyn Bridge	<i>People</i> , ¶ 54
21	May 31, 2020	From Manhattan Bridge to Chinatown, Church Avenue, and/or across Canal Street, Manhattan	<i>People</i> , ¶ 54 <i>Wood</i> , ¶¶ 51-54 <i>Gray</i> ¶¶ 80-84
22	May 31, 2020	Near Williamsburg Bridge, Manhattan	<i>People</i> , ¶ 54
23	May 31, 2020	Broadway to E. 11 th St. & Near Union Square, Manhattan	<i>People</i> , ¶¶ 155-160, 231-234 <i>Payne</i> , ¶¶ 125-130
24	May 31, 2020	Times Square, Manhattan	<i>People</i> , ¶ 54
25	May 31, 2020	F.D.R. Drive, Manhattan	<i>People</i> , ¶¶ 208-210
26	June 1, 2020	Midtown, Manhattan	<i>People</i> , ¶¶ 55, 227-230 <i>Payne</i> , ¶ 53 <i>Sow</i> , ¶¶ 208-219 <i>Rolon</i> , ¶84
27	June 1, 2020	East Village, Manhattan	<i>People</i> , ¶ 55
28	June 1, 2020	Near Union Square Park, Manhattan	<i>People</i> , ¶ 55 <i>Payne</i> , ¶ 53
28.1	June 1, 2020	440 Broadway, Manhattan	<i>Gray</i> , ¶¶ 80-84
29	June 1, 2020	Near Barclays Center, Brooklyn, Crossing Manhattan Bridge into Times Square & Near Port Authority, Manhattan	<i>People</i> , ¶ 55 <i>Sow</i> , ¶¶ 180-206
30	June 1, 2020	Fordham Manor, Bronx	<i>People</i> , ¶ 55
31	June 1, 2020	Astoria Park, Queens	<i>People</i> , ¶ 55
32	June 1, 2020	Flushing, Queens	<i>People</i> , ¶ 55
33	June 2, 2020	Lower Manhattan/Foley Square to Central Park, Manhattan	<i>People</i> , ¶¶ 56, 318-323 <i>Payne</i> , ¶¶ 131-136 <i>Gray</i> , ¶¶ 74-79
34	June 2, 2020	Union Square, Manhattan	<i>People</i> , ¶¶ 56
35	June 2, 2020	Near Barclays Center, Brooklyn to Manhattan Bridge	<i>People</i> , ¶¶ 330-336
36	June 2, 2020	Upper West Side, Manhattan	<i>People</i> , ¶¶ 56, 423-430
37	June 2, 2020	Astor Place, Manhattan	<i>People</i> , ¶ 56
38	June 2, 2020	Chelsea, Manhattan	<i>People</i> , ¶ 56 <i>Payne</i> , ¶ 54

<u>Protest No.</u>	<u>Date</u>	<u>Approximate Location</u>	<u>Complaint Allegations</u>
39	June 2, 2020	Near West Side Highway, Manhattan	<i>Payne</i> , ¶ 54 <i>Sow</i> , ¶¶ 220-237, 239-282
40	June 2, 2020	Bryant Park to Midtown, Manhattan	<i>People</i> , ¶ 57 <i>Wood</i> , ¶¶ 55-59
41	June 3, 2020	Cadman Plaza, Brooklyn	<i>People</i> , ¶¶ 57, 164-168, 337-346 <i>Payne</i> , ¶¶ 55, 143-159 <i>Sow</i> , ¶ 83 <i>Wood</i> , ¶¶ 65-66
42	June 3, 2020	Maria Hernandez Park, Brooklyn	<i>People</i> , ¶ 57
43	June 3, 2020	Midtown East/Upper East Side, Manhattan	<i>People</i> , ¶¶ 57, 237-246, 347-354 <i>Sow</i> , ¶ 84-85, 284-309 <i>Wood</i> , ¶¶ 60-64
44	June 4, 2020	Mott Haven, Bronx	<i>People</i> , ¶¶ 58, 169-170, 247-255, 284-310, 366-387 <i>Wood</i> , ¶¶ 116-167 <i>Payne</i> , ¶¶ 59-65, 161-173, 182-192, 194-200 <i>Sierra</i> , ¶¶ 41-124 <i>Sow</i> , ¶¶ 86-93, 310-329, 332-345, 348-390, 392-418 <i>Rolon</i> , ¶121 <i>Hernandez</i> , ¶¶ 1-12, 61-421
45	June 4, 2020	McCarren Park to South Williamsburg, Brooklyn	<i>People</i> , ¶¶ 355-365 <i>Payne</i> , ¶¶ 58, 202-206 <i>Wood</i> , ¶¶ 67-68 <i>Sow</i> , ¶ 84-85
46	June 4, 2020	Clinton Hill and Prospect Heights, Brooklyn	<i>People</i> , ¶ 59
47	June 4, 2020	Flatbush, Brooklyn	<i>People</i> , ¶ 59
48	June 4, 2020	Brooklyn Bridge	<i>People</i> , ¶ 59
49	June 4, 2020	Midtown, Manhattan	<i>People</i> , ¶ 59
50	June 4, 2020	Flushing, Queens	<i>People</i> , ¶ 59
51	June 4, 2020	Central Park West, Manhattan	<i>People</i> , ¶ 59
52	June 5, 2020	Crown Heights, Brooklyn	<i>People</i> , ¶ 60
53	June 5, 2020	Sunset Park, Brooklyn	<i>People</i> , ¶ 60
54	June 5, 2020	Staten Island	<i>People</i> , ¶ 60
55	June 5, 2020	Near Gracie Mansion, Manhattan	<i>People</i> , ¶ 60

<u>Protest No.</u>	<u>Date</u>	<u>Approximate Location</u>	<u>Complaint Allegations</u>
56	June 5, 2020	Barclays Center to Downtown Brooklyn	<i>People</i> , ¶ 60
57	June 5, 2020	Nostrand Ave., Brooklyn	<i>Payne</i> , ¶ 71
58	June 6, 2020	Financial District, Manhattan	<i>People</i> , ¶ 61
59	June 7, 2020	Upper East Side, Manhattan	<i>People</i> , ¶ 61
60	June 8, 2020	Times Square, Manhattan	<i>People</i> , ¶ 61
61	June 14, 2020	Times Square, Manhattan	<i>Payne</i> , ¶ 74
62	June 28, 2020	Foley Square to West Village, Manhattan (incl. Washington Square Park)	<i>People</i> , ¶ 62 <i>Payne</i> , ¶¶ 78, 174-180, 209-210
63	June 23-30, 2020	City Hall Park, Manhattan	<i>Payne</i> , ¶ 74
64	July 3, 2020	City Hall Park, Manhattan	<i>People</i> , ¶ 63
65	July 11, 2020	Dyker Heights, Brooklyn	<i>Sow</i> , ¶ 101
66	July 12, 2020	Bay Ridge, Brooklyn	<i>Sow</i> , ¶ 102
67	July 15, 2020	Brooklyn Bridge Pedestrian Path	<i>People</i> , ¶¶ 408-421 <i>Gray</i> , ¶¶ 66-73
67.1	July 21, 2020	City Hall Plaza	
67.2	July 25, 2020	Beach 101 St., Queens to Grand Army Plaza, Brooklyn	
68	July 28, 2020	Kips Bay, Manhattan	<i>People</i> , ¶ 64
68.1	July 28, 2020	Columbus Park, Manhattan to Grand Army Plaza, Brooklyn	
69	September 11, 2020	McCarren Park, Brooklyn	<i>People</i> , ¶ 65
69.1	September 12, 2020	4295 Broadway, Manhattan	<i>Rolon</i> ¶130
70	September 17, 2020	Foley Square, Manhattan	<i>Payne</i> , ¶ 76
70.1	September 18, 2020	26 Federal Plaza, Manhattan to McCarren Park, Brooklyn	
71	September 19, 2020	Times Square, Manhattan	<i>Payne</i> , ¶ 77
72	September 26, 2020	Washington Square Park and Near Sixth Precinct Stationhouse, Manhattan	<i>People</i> , ¶ 66
73	October 6, 2020	Borough Park, Brooklyn	<i>Sow</i> , ¶ 103
74	October 7, 2020	Bedford-Stuyvesant, Brooklyn	<i>People</i> , ¶ 67
74.1	October 21, 2020	740 Park Avenue, Manhattan to Carl Schurz Park, Manhattan	

<u>Protest No.</u>	<u>Date</u>	<u>Approximate Location</u>	<u>Complaint Allegations</u>
75	October 25, 2020	Coney Island, Brooklyn to near Trump Tower, Manhattan, to Brooklyn Park	<i>Sow</i> , ¶ 104
75.1	October 25, 2020	40th Pct. Stationhouse, Bronx to Carl Schurz Park, Manhattan	
76	November 1, 2020	Hell's Kitchen, Manhattan	<i>Sow</i> , ¶ 105
77	November 4, 2020	Washington Square Park, W. 8 th and Greenwich Ave., Manhattan	<i>People</i> , ¶¶ 68, 388-389
78	November 4, 2020	Central Park to Union Square, Manhattan	<i>People</i> , ¶ 68, 390-393 <i>Payne</i> , ¶ 78
79	November 5, 2020	West Village to Union Square, Manhattan	<i>People</i> , ¶ 69 <i>Payne</i> , ¶ 79
80	December 2, 2020	Staten Island	<i>Sow</i> , ¶ 106
81	December 11, 2020	Downtown Brooklyn	<i>People</i> , ¶ 70
82	January 12-16, 2021	Downtown Brooklyn	<i>Payne</i> , ¶ 138
83	January 18, 2021	Barclays Center, Brooklyn to City Hall Park, Manhattan	<i>People</i> , ¶¶ 71, 112-113 394-398 <i>Payne</i> , ¶¶ 80, 139-140 <i>Rolon</i> , ¶144
84	February 12, 2021	Manhattan, Midtown near 54th street and 6th avenue	<i>Rolon</i> , ¶136